

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

GEORGE R. SHINGLETON,

Petitioner,

vs.

DEBORAH TIMMERMAN-COOPER,  
WARDEN, LONDON CORRECTIONAL  
INSTITUTION,

Respondent.

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Case No. 3:03cv450

JUDGE WALTER HERBERT RICE

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DECISION AND ENTRY ADOPTING SUPPLEMENTAL REPORT AND  
RECOMMENDATIONS OF UNITED STATES MAGISTRATE JUDGE  
(DOC. #27), INsofar AS SAME RECOMMENDS THE DENIAL OF  
PETITIONER'S MOTION FOR DISCOVERY (ID. AT 6); PETITIONER'S  
OBJECTIONS TO SUPPLEMENTAL REPORT AND RECOMMENDATIONS  
(DOC. #28), INsofar AS SAID OBJECTIONS RELATE TO HIS MOTION  
FOR DISCOVERY (ID. AT 5-6), OVERRULED; PETITIONER'S MOTION  
FOR DISCOVERY (DOC. #25) OVERRULED, WITHOUT PREJUDICE TO  
RENEWAL; REMAINDER OF SUPPLEMENTAL REPORT AND  
RECOMMENDATIONS OF UNITED STATES MAGISTRATE JUDGE (DOC.  
#27) NOT RULED UPON; CAPTIONED CAUSE REMAINS OPEN

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Given the reasonable probability that Petitioner's Petition for Writ of Habeas  
Corpus, pursuant to 28 U.S.C. Section 2254, will be deemed barred by the  
applicable statute of limitations, this Court overrules the Petitioner's Motion for  
Discovery (Doc. #25), without prejudice to renewal, should this Court conclude,  
upon a thorough review of the Initial (Doc. #16) and Supplemental (Doc. #27)

Reports and Recommendations of the United States Magistrate Judge and Petitioner's Objections thereto (Docs. #19 and #28), as well as the entirety of this Court's file, that the Court's initial inclination has not ripened into finality. To that extent, the Magistrate Judge's Supplemental Report and Recommendations, insofar as same deals with the Defendant's Motion for Discovery (Doc. #27 at 6) is adopted, and the Petitioner's Objections thereto (Doc. #28 at 5-6) are overruled.

This Decision and Entry affects only the Petitioner's Motion for Discovery (Doc. #25), which has been overruled, without prejudice to renewal, and does not purport to rule on any other aspect of his Petition for Writ of Habeas Corpus.

The captioned cause remains open upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

/s/ Walter Herbert Rice

March 30, 2007

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WALTER HERBERT RICE  
UNITED STATES DISTRICT JUDGE

Copies to:

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